



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 4916-99
11 January 2000

[REDACTED]

Dear MS HELM:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 5420 PERS 862 of 15 November 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

PERS-862

NOV 15 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)**

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) Assistant for BCNR Matters Memo 5420 PERS-00ZCB of
25 Oct 99
(b) BUPERSINST 1430.16D

Encl: (1) BCNR File #04916-99 w/Service Record

1. Per reference (a), the following comments and recommendations are submitted concerning Petty officer [REDACTED]'s case.

2. After a thorough review of [REDACTED] service record, there is no evidence of advancement to [REDACTED] Class. Per reference (b), the promotion requirements for enlisted personnel in the Navy for the World War II period starting in December 1940 requires a member to be recommended by the commanding officer, satisfactorily pass a technical examination, and qualify in practical factors prescribed for the rating. In addition, only the rating of Pharmacist's Mate First Class was controlled Navy-wide through the use of a waiting list maintained by the Bureau of Navigation.

3. [REDACTED] completion of a Navy Training Course is not sufficient evidence of advancement, and completion of requirements mentioned above were not evident in her service record. If [REDACTED] can provide official correspondence showing advancement to Petty Officer First Class at time of discharge, we will reevaluate the case.

4. In view of the foregoing, recommend Petty Officer [REDACTED] petition be disapproved.

[REDACTED]
By direction